IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 2295 of 2005

Between:

1 Md.Lathif, S/o.Darvesh Mohammed,
R/o.H.No.7-82, Yellareddypet Mandal,
Karimnagar District.
2 Jaithun Bee, W/o.Mohammed Ramzan,
R/o.H.No.7-83, Yellareddypet Mandal,
Karimnagar District.
3 Mohammed Nasir, S/o.Darvesh Mohammed,
R/o.H.No.7-83, Yellareddypet Mandal,
Karimnagar District.

..... PETITIONERS

AND

The Gram Panchayat, Yellareddypet Gram Panchayat, Karimnagar District, rep.by its Surpanch.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondent in not considering and disposing of the application dt.15-09-2004 and 07-01-2005 submitted by the petitioners for grant of permission to construct the compound wall in respect of the open place in survey No.46 (I) to the extent of 1289 sq.yds situated at Yellareddypet Mandal, karimnagar District as illegal, arbitrary and contrary to the provisions of A.P.Panchayat Raj Act, 1994 and consequently direct the respondent to consider and dispose of the same

within a stipulated period and pass such other order or orders, as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.VENKAT REDDY THIPPARTHI

Counsel for the Respondent No.: SMT.JYOTHI ESWAR GOGINENI

The Court made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No.2295 of 2005

ORDER:

The petitioners state that they are the absolute owners and possessors of the open place in Survey No. 46 (I) to the extent of 1289 square yards situated at Yellareddypet Mandal, having purchased the same under the registered sale deeds. In order to construct a compound wall in the said land, the petitioners made an application dated 15.09.2004 requesting the respondent-Gram Panchayat to grant necessary permission. Since the respondent neither granted nor rejected the permission, by virtue of the deemed provision under Section 127 (3) of the A.P. Panchayat Raj Act, 1994, the petitioners started construction of the compound wall. However, by notice dated 30.11.2004 the respondent-Gram Panchayat directed the

petitioners to stop the construction till a decision is taken on the request made by the petitioners. The petitioners state that in compliance with the same, they have stopped the construction. However, the respondent-Gram Panchayat has not passed any orders on their application dated 15-9-2004, the petitioners made another representation dated 7-1-2005 requesting the respondent to pass appropriate orders expeditiously since the entire construction has been stalled. However, there is no response from the respondent.

The only grievance of the petitioners in this writ petition is that the inaction on the part of the respondent in considering their request for grant of permission is without any justification and therefore, the same is liable to be declared as arbitrary and illegal.

Having heard the learned counsel for the petitioners as well as the learned Standing Counsel for the respondent, I am of the view that the respondent who is admittedly the competent authority under the Statute is required to consider the request of the petitioners in accordance with the statutory provisions and ought to have passed appropriate orders within a reasonable time. Accordingly, without expressing any opinion as to the entitlement of the petitioners for the permission as sought by them, the writ petition is disposed of with a direction to the respondent to consider the applications of the petitioners dated 15.09.2004 and 07.01.2005 and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of this order. No order as to costs.

11th February, 2005

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Copy to:

1. The Sarpanch, the Gram Panchayat, Yellareddypet Gram Panchayat, Karimnagar District,

2. Two C.D.Copies.

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